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International Court of Justice

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Biolsi
1400 - 1500
25 July 1946
Generfieldmarschall
Walter von Brauchitsch

H1087-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

25 JULY 1946

COMMISSIONER:

Colonel A.M.S. Neave

THE OKW

(The Commission convened at 1430 hours.)

COMMISSIONER:

Q Witness, will you give us your full name?

A Walter von Brauchitsch.

Q Raise your right hand and repeat these words after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

COMMISSIONER: Dr Laternser, I have got copies of the two affidavits here, 2 and 4, is that right?

DR LATERNSER: Yes, that's correct.

DIRECT EXAMINATION

BY DR. LATERNSER:

I shall ask you to be as short as possible, witness, so that we use as little time is possible.

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Q When were you born?

A On the 4th of October 1881.

Q What was your last rank and office?

A Supreme Commander of the Army.

Q From what time to what time were you in this rank?

A From 1938 until 1941.

Q You have given two affidavits to the prosecution - namely, Affidavit No. 2, USA Exhibit 532; and Affidavit No 4, USA Exhibit 535. In Affidavit No. 4 you state in the first paragraph, and I quote:

"When Hitler had made a decision to support the realization of his political objections through military pressure or through the application of military force the commander in chief of the army, if he was at all involved ordinarily, first received an appropriate oral briefing or a proper oral command, operational and deployment plans were next worked out in the OKW."

On the4th of February 1938 you succeeded Generaloberst von Fritsch as supreme commander of the Army.

Has Generaloberst von Fritsch told you anything about the intention as expressed by Hitler on the 5th of November 1937, when you took over? If Generaloberst von Fritsch had taken the result of that conversation as seriously as it is today taken by the

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prosecution, von Fritsch would probably have informed you?

A I can take that for granted.

Q If such plans had existed since 1937, and I mean serious plans, the information would have been necessary when you took over the office?

A Yes.

Q Otherwise it would have been impossible to carry out these plans?

A That's right.

Q I now come to the period of tension before the outbreak of the war.

In your Affidavit No. 2 you mention the fact that on certain occasions, and especially before certain important events, there were discussions between the Oberfuehrer and you. Had you, after the conversation which took place on the 23rd of May 1939, the impression that war was unavoidable, or that any other solution would be possible?

A I was absolutely convinced that it was only a military pressure for political purposes.

Q And how was the situation after the conversation which you had on the 22nd of August 1939?

A I had the same impression that I had about the whole situation from the beginning - the same impression as I had in May 1939.

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Q Now, when you were reproached that it was another situation when territories were occupied, that now there were actual preparations for war against Poland - didn't that make you believe now that war would really break out?

A After the Sudeten crisis Hitler had learned on the part of his generals that they had not taken their tasks seriously because they were not prepared for it. If you want to support political action by military pressure, this military pressure must be taken seriously by your own people as well as those on whom it is to be exercised. If that is not the case, it would never be possible to achieve the goal intended. Thus, the difference between the preparation before the Sudeten crisis and the Polish crisis can be explained.

Q In the conversation that y ou had on the 22nd of August 1939, the word "Vernichtung" (extermination) was used. This word appears in the transcript of this conversation and the word is translated by the prosecution in a way as should not be interpreted. I ask you, what military term is to be understood by this word?

A The word "Vernichtung" is very frequent in military language.

Q If means nothing other than the elimination of military objectives? So this word does not imply the atrocities suggested by the prosecution ?

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A By no means.

Q Witness, you have said in the affidavit submitted submitted, No. 4, that the commanders of army groups, when you visited their headquarters, informed you and gave you advice. Was there something like a war council in the German army?

A There never was a war council in the German Army. These conversations and lectures just referred to, took place in the following way. The commanders of yhe army groups explained their functions for the carrying out of the orders to me. If I did not immediately agree with their constitution the problem was discussed. Finally, I took the decision as the commander.

Q So the statement in this affidavit where you say that thus you should have been able to get the advice of commanders of army groups, is not quite correct?

A Instead of the word "advice" I should rather say "opinion" or "conception".

DR KEMPNER: Mr. Commissioner, I would this frequent quotation of half sentences, which later bring disputes and ~~kxkf~~ negations - which are no negations - for instance .. well, I suggest that Mr von Brauchitsch get an opportunity to refresh his memory from the affidavit itself, and not omit words which are later brought in as a change. He has said exactly the same in the affidavit. I have a copy here.

H1087 - 0007

COMMISSIONER: Dr Laternser, let the witness have a copy of the affidavit.

The English translation is: In this way I was able to obtain their advice and their recommendations during the conduct of military operations.

Now, translate that into German.

Now, that is a complete sentence.

BY DR. LATERNSTER:

Q Witness, after having read this complete sentence, I should like to ask you whether the word "advice" corresponds exactly to what you understand by it?

A It means what I have said previously. The commanders gave their opinion and made recommendations on what was to be done. When this declaration was drafted I did not correct every word.

Q So that when you say "advice and recommendations" you mean that the commanders gave their opinion as to the way in which the orders received were to be carried out?

A The second paragraph of the affidavit states the following: After the operational and deployment orders had been given to the two commanders of the army groups and the five commanders of the armies, conferences took place with them about details in order to hear their desires and recommendations.

In the same way the usual conversations

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and lectures took place.

Q Hitler made speeches before the commanders before the decisive campaigns. It seems to be proven that the commanders of the army groups had no possibility to make any objections or give any advice.

COMMISSIONER: Dr. Laternser, are we having a speech from you on the subject, or are you asking the witness?

DR LATERNSER: With this introduction I tried to avoid discussions of details, and now I wanted to ask the question.

COMMISSIONER: Well, then, ask the question.

DR. KEMPNER: May we respectfully suggest that the court advise the witness that nothing has been proven as yet.

COMMISSIONER: I pointed out to Dr. Laternser that we are to have a statement from the witness. Let us hear what the question is first, please.

DR. LATERNSER: The prosecution has drawn conclusion on the hearing of the witness von Rundstedt that the commanders of the army were mere postmen for the carrying out of the orders. Had you not any responsibility in the operational carrying out of your orders?

COMMISSIONER: The first part of that question is disallowed. We will allow only the second part of

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it. Ask him whether he took part in the carrying out of the order. You are not here to tell us what conclusion the prosecution derives.

DR LATERNSER: I willput the question differently.

COMMISSIONER: Very well.

BY DR LATERNSER:

Q Had you, in your operational conduct of the armies, enough competence in your capacity as a militaryleader?

A The carrying out of the orders that were given to the army and to the army groups required such a huge knowledge of military matters, such ability and psychological understanding that there were only few people who were actually able to carry out such orders. The carrying out of such orders had at any time to be adapted to new circumstances and to another conduct of the enemy. Hence, the necessity to act within the framework of the orders received.

Q I now show you a draft which is annexed to your affidavit No. 2. I show it to you and I ask you to tell me whether it corresponds to the real circumstances in the High Command of the Wehrmacht.

DR KEMPNER: Mr. Commissioner, we have never submitted this chart under the lable as showing the line of command of the Befehlshaber.

COMMISSIONER: According to the witness it is

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supposed to show the composition of the group.

DR KEMPNER: Yes, the relation of one to the other.

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Q. I now show you a graph which is joined to your affidavit No. 21 which I showed to you and I would ask you to tell me whether it corresponds to the real circumstances in the high command of ~~xhwxEx~~ the Wehrmacht?

XAX DR. KEMPNER: Mr. Commissioner, we have never submitted this chart under the labor that it shows the High Command.

COLONEL NEAVE: According to the witnesses it just shows the composition of the ~~Reem~~ groups, isn't that right?

DR. KEMPNER: That is right.

COLONEL NEAVE: Then we will translate it ~~and the~~ to show the relationship of the members to each other. Dr. Laternser, have you any comment to make on this?

DR. LATERNSER: I think that the question which I put should be admitted. I asked the witness to tell us on the ground of this chart whether this chart corresponds to the actual relationship of the members of these groups to each other?

COLONEL NEAVE: He may answer that.

WITNESS:

A. On the occasion of the conversations which took place at that time attention had been drawn to the fact that this chart did not exactly correspond to the actual circumstances. It was replied to this objection that this is not so important in this respect. If it is really the intention

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and I don't know whether it is, to establish the exact circumstances by this chart, names such as Keitl, Jodl and Warlimont do not belong to this chart. The connecting lines between the several services do not represent the channels through which orders were given. The orders were given by Hitler, in his capacity as Supreme Commander of the Wehrmacht, to the three parts of the Wehrmacht, namely, the marine, the navy and the air force.

BY DR. LATERNSER:

Q And in this channel the Chiefs of the General Staff were not included?

A The Chiefs of the General Staff were only the operating staff of the whole parts, of the whole Wehrmacht, and they had no competence to issue orders on their own initiative.

Q So this chart only states the several services and their relationship to each other, but the channels through which orders were given were other than xxxxxx stated in this chart?

A Yes.

Q In this affidavit No. 2 you stated the following and I quote:

"In practice, supervision within this field was exercised by a relatively small group of high ranking officers. These officers exercised such supervision

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in their official capacity and by virtue of xxx their training, their positions and their mutual contacts."

Q What do you mean by the words "mutual contact?" Were there any special contacts between the members of this group that then existed and other armies?

COLONEL NEAVE: What do you mean by "other armies?"

BY DR. IA TERNSER:

Q May I repeat the question because there seems to be a misunderstanding on behalf of the witness?

COLONEL NEAVE: Yes.

Q I am going to repeat my question. I asked you what you understood by the words "mutual contact", were there any special contacts between the high ranking officers?

A When I signed this document I did not think that every word would be weighed here and examined. When I signed this document I only thought that it would be advisable that officers who fight together should know each other, so that it is easier than when they don't know each other at all. There were no special contacts.

Q Now I come to the final point of this affidavit No. 2. You used several times the word "gruppe" and the Prosecution interprets the word "gruppe" as though it were meant to represent a real organization, a special

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organization within the High Command. Was there ever such a group within the German Wehrmacht?

A In the German language the word "gruppe" is used in the same meaning as the other one is used. I can speak of a group of people who are standing together, but who have no mutual contacts. There was never any special group in the German Wehrmacht, neither within the army, nor within the Wehrmacht itself. The army was only divided into regiments, divisions and so on, as was usual in the case of war. There was practically no contact between the several parts of the Wehrmacht. I can only tell you one example. I never had any conversation together with the Supreme Commander of the Air Forces or of the Navy, and I think that the number of the conversations I had with one of these commanders hardly passes five.

Q So, when you use the word "Group" you mean just a certain number of military leaders and not a specific circle of persons which had been formed for a special purpose.

A I mean a certain number and not a specific group.

RE-DIRECT EXAMINATION

BY DR. KEMPNER:

Q I represent the American Prosecution and I should like to xxkx discuss with you a few points. You have had a very great military experience. When did you start your military career?

H1087-0015

A 1900.

Q That is to say forty-one years ago?

A Forty-six years ago now.

Q You have had forty-one years of practical experience in the German army. You were born in Berlin?

A Yes.

Q You had in your affidavit No. 2 and I quote:

"The composition of those groups and the relationship of its members to each other were as shown in the attached chart and the duties of those who filled the provisions shown in the chart lay the actual direction of the armed forces."

Can you answer that?

A This chart represents the high ranks of the armed forces with the exception that the Chiefsof the General Staff do not belong to this chart.

Q. Because they had no competence to give orders?

A Because they were the operating staff. In this chart it should have been mentioned for these people were the operating staff and we have discussed that.

Q So this word is missing?

A Yes.

COLONEL NEAVE: He wants to say something. Do you want him to continue?

DR. KEMPNER: YES.

WITNESS:

A The higher ranks were the Supreme Commanders of

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the armed forces, then Commander in Chief of the Army, Commander in Chief of the Navy and Commander in Chief of the Air Force. Their subordinates were the chiefs of the corresponding departments of the army, navy and air forces who had different names. So if they were included as the operational staff the other groups had to be included too.

Q Now I should like to discuss the following with you from the scientific point of view. In such an army, that is to say, in every army of the world one group of persons gives the orders out and the other group of persons prepares those orders?

A That is correct.

Q And these gentlemen such as Keitl, Jodl and Warlimont were those who prepared the orders?

A I do not know the exact proceeding in the high command of the Wehrmacht, but I suppose that they prepared the orders which they received from their Supreme Commander.

Q I do not want to ~~xxxx~~ enter into the details. I just want to distinguish the two groups, and I ask you, as an expert who has had forty-one years experience in the Prussian army and who is familiar with the subject. Now I shall clarify this point: If I extract ~~Extracted~~ from the channel the direction in which orders were given, does this chart show the relations between the important people, those who were working on the measures, is this chart correct in that respect?

H1087 - 0017

A I have not understood the sense of your question.

Q I will repeat it. Let us now leave out the line through which the orders were given, is ~~xx~~ this chart correct in so far as it shows the mutual contacts of the persons or the operating groups?

A As far as the army is concerned, yes.

Q Now something else: Now here we have Hitler and Keitl, one below the other. Shouldn't they be within one frame?

A Yes.

Q One issued the orders and the other prepared the orders?

A Yes.

Q Was Hitler familiar with the technicalities from a military point of view?

A Unfortunately, Hitler did care for those things and I had a terrible struggle in order to keep him out of it. If you had lived through it, how ever siggle armored car was assigned, then you would know that the Supreme Commander of the armed forces, namely, Adolph Hitler, did care for every single detail.

Q He did care for these things but he didn't know anything about important matters?

A Yes and No.

H1087 - 0018

COLONEL NEAVE: Is this really a question arising out of cross examination? I think the re-examination ~~has to~~ should not deal with the nature of the chart but as to Hitler's conduct and capacities, ~~I think should be reserved for the Tribunal under the rules.~~ ??

DR. KEMPNER: It is just a preparation for the questions on the general staff, the next question.

COLONEL NEAVE: All right.

WITNESS:

A I don't know whether you have ever made the acquaintence of Hitler, but we who used to know him must know that he was a man of extra ordinary mental ability.

Q I don't want to enter into a discussion about Hitler but the actual work had to be done by the gentlement of the army, the experts, is that right?

A As regards the preparation of the orders, I had the whole responsibility and I have never refused that responsibility and I will never refuse it.

Q Now something else. You made your career in the General Staff?

A Yes.

Q Is it correct that all of the Commanders who occupied the leading posts had made their careers in the General Staff, is that correct?

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DR. LATERNSER: I must object to that ~~kindxxfx~~ way of putting questions to the witness. I myself have confined myself during the ~~cross~~ Cross examination ~~to the cross~~ to the most essential things and the Prosecutor now is concerned with re-examination, that is to say, he should only ask questions that arise from the cross examination.

DR. KEMPNER: Mr. Commissioner, this is a very important question because I am just ~~in the top groups~~ on the topic of the groups and I have certain reasons for asking this question.

COLONEL NEAVE: If that is the object of the re-examination you may continue.

BY DR. KEMPNER:

Q You have already said that the former members of the General Staff occupied most of the key positions?

A I beg your pardon. I have said that a major part of the officers who occupied high ranking positions have made a temporary career in the General Staff.

COLONEL NEAVE: Dr. Kempner, the cross examination related to the definition of ~~xxxxxxd~~ the word "group" as to whether the General Staff constituted a group. You are not going into a detailed questioning of the actual composition of the general staff, are you? That is the point of Dr. Laternser's objection.

H1087-0020

DR. KEMPNER: In no way.

COLONEL NEAVE: Dr. Laternser, I think this line of ~~re~~-examination in that case should be allowed.

DR. LATERNSER: I am of the opinion that these questions should have been put before the cross examination. In this case the questions are put that should be put later on.

COLONEL NEAVE: I don't know what you are talking about. This is a case where an affidavit has been submitted, you have cross examined the witness and now the Prosecution is replying. I entirely agree that the re-examination should be limited to matters raised in cross examination, and Dr. Kempner, of course, means he is re-examining on the question of whether your organization, the general staff, was in fact a group and that is a subject on which you cross examined the witness. Go on.

BY DR. KEMPNER:

Q Were you a member of the (Interpreter did not furnish the English word)

A Yes

Q Are there special courts of honor on the (Same word) in order to defend the honor of these gentlemen?

A As well as any other organizations as you will probably know by your own experience.

COLONEL NEAVE: I am not very sure that this line of ~~cross~~ re examination is fair to the defense. It should definitely be limited to that subject, the word "Group."

H1087 - 0021

DR. KEMPNER: We tried to get from the witness certain points showing/competence and finally establish something like a group, a common code of honor and other things.

COLONEL NEAVE: All right.

DR. LATERNSER: I must point out that the following: These questions should have been put before cross examination.

COLONEL NEAVE: I don't know what you are talking about. This is a case where an affidavit has been submitted. That is enough, Dr. Laternser, and you can leave it to me with regard to the fairness of this re-examination.

BY DR. KEMPNER:

Q I must put here a final question. You have submitted affidavits No. 2 and 4 and now a last and final question I must ask you. If you understand German as it is to be understood, are these statements correct in their meaning?

A I have already given an explanation as I have answered the question, is that correct or not? If I may say a few words on this matter, the affidavit is a result of a conversation that lasted several days and which took place between two American staff officers and myself. I was then shown in German a text of this declaration and I have modified a part of it, and as I have already said I did not know why and for what purpose, so I have not

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examined every single word as to whether it could be interpreted in this way or that way. Therefore, I ~~xxxxxxxxxxxxxxxx~~ gave the explanation as I have understood these details.

Q So what you have said here with your explanation you want to clarify the matter, is that correct?

A Yes.

DR. KEMPNER: Thank you.

COLONEL NEAVE: Before we ~~xxxxix~~ recess there seems to be some misunderstanding in Dr. Laternser's mind regarding this re-examination. Why is it you think that the questions asked by Dr. Kempner should have been asked before cross examination. This is a case where a witness swore to an affidavit which was submitted by the Prosecution and the evidence was taken that way.

DR. LATERNSER: Mr. President, We distinguished between the ~~xx~~ direct hearing, the cross examination and the re-examination. The Prosecution has in the first place to put those questions to the witness which were meant to prove what they suggested.

COLONEL NEAVE: Wait a minute. I don't think we need go into a long discussion about this. The point is that this is a ~~lawful~~ procedure which has been established ~~by a commission~~ by the Tribunal and the procedure followed today seems to me to be quite satisfactory. The only point that has been discussed today and which we have agreed on is that re-examination should be confined

H1087-0023

to matters raised in cross examination, and that the cross examination itself should be confined to the subject matter of the affidavit submitted. Is there anything more to discuss?

DR. LATERNSER: Yes, there is a matter to be discussed. If the Prosecution starts re-examining on other matters, I am excluded from putting those questions.

COLONEL NEAVE: That is exactly what I have been saying and explained to you and why I asked Dr. Kempner to confine ~~xxxxxxxx~~ his re-examination in the way I did. I don't think you have suffered any unfairness as a result ~~xxxxxxxxxxx~~ of this hearing at all.

The witness may go now and we will recess until four o'clock.

(A short recess is taken)

H1087 - 0024

The foregoing is a true and correct transcript of the testimony of GENERAL WALTER VON BRAUCHITSCH, taken on 25 July 1946.

Reporter (pp 1 - 9)

Reporter (pp 10 - 27)

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

25 JULY 1946

COMMISSIONER:

Colonel A.M.S. Neave

THE OKW

(The Commission convened at 1430 hours.)

COMMISSIONER:

Q Witness, will you give us your full name?

A Walter von Brauchitsch.

Q Raise your right hand and repeat these words after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

COMMISSIONER: Dr Laternser, I have got copies of the two affidavits here, 2 and 4, is that right?

DR. LATERNSER: Yes, that's correct.

DIRECT EXAMINATION

BY DR. LATERNSER:

I shall ask you to be as short as possible, witness, so that we use as little time as possible.

H1087 - 0026

Q When were you born?

A On the 4th of October 1881.

Q What was your last rank and office?

A Supreme Commander of the Army.

Q From what time to what time were you in this rank?

A From 1938 until 1941.

Q You have given two affidavits to the prosecution - namely, Affidavit No. 2, USA Exhibit 532; and Affidavit No. 4, USA Exhibit 535. In Affidavit No. 4 you state in the first paragraph, and I quote:

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On the 4th of February 1938 you succeeded Generaloberst von Fritsch as supreme commander of the Army.

Has Generaloberst von Fritsch told you anything about the intention as expressed by Hitler on the 5th of November 1937, when you took over? If Generaloberst von Fritsch had taken the result of that conversation as seriously as it is today taken by the prosecution, von Fritsch would probably have informed you?

A I can take that for granted.

Q If such plans had existed since 1937, and I mean serious plans, the information would have been necessary when you took over the office?

H1087-0027

A Yes.

Q Otherwise it would have been impossible to carry out these plans?

A That's right.

Q I now come to the period of tension before the outbreak of the war.

In your Affidavit No. 2 you mention the fact that on certain occasions, and especially before certain important events, there were discussions between the Oberfuehrer and you. Had you, after the conversation which took place on the 23rd of May 1939, the impression that war was unavoidable, or that any other solution would be possible?

A I was absolutely convinced that it was only a military pressure for political purposes.

Q And how was the situation after the conversation which you had on the 22nd of August 1939?

A I had the same impression that I had about the whole situation from the beginning - the same impression as I had in May 1939.

Q Now, when you were reproached that it was another situation when territories were occupied, that now there were actual preparations for war against Poland - didn't that make you believe now that war would really break out?

A After the Sudeten crisis Hitler had learned on the part of his generals that they had not taken their tasks seriously because they were not prepared for it. If you want to support

H1087-0028

political action by military pressure, this military pressure must be taken seriously by your own people as well as those on whom it is to be exercised. If that is not the case, it would never be possible to achieve the goal intended. Thus, the difference between the preparation before the Sudeten crisis and the Polish crisis can be explained.

Q In the conversation that you had on the 22nd of August 1939, the word "Vernichtung" (extermination) was used. This word appears in the transcript of this conversation and the word is translated by the prosecution in a way as should not be interpreted. I ask you, what military term is to be understood by this work?

A The word "Vernichtung" is very frequent in military language.

Q It means nothing other than the elimination of military objectives? So this word does not imply the atrocities suggested by the prosecution?

A By no means.

Q Witness, you have said in the affidavit submitted, No. 4, that the commanders of army groups, when you visited their headquarters, informed you and gave you advice. Was there something like a war council in the German army?

A There never was a war council in the German Army. These conversations and lectures just referred to, took place in the following way. The commanders of the army groups explained

H1087 - 0029

their functions for the carrying out of the orders to me. If I did not immediately agree with their constitution the problem was discussed. Finally, I took the decision as the commander.

Q So the statement in this affidavit where you say that thus you should have been able to get the advice of commanders of army groups, is not quite correct?

A Instead of the word "advice" I should rather say "opinion" or "conception."

DR. KEMPNER: Mr. Commissioner, I would this frequent quotation of half sentences, which later bring disputes and negations - which are no negations - for instance...well, I suggest that Mr. von Brauchitsch get an opportunity to refresh his memory from the affidavit itself, and not omit words which are later brought in as a change. He has said exactly the same in the affidavit. I have a copy here.

COMMISSIONER: Dr. Laternser, let the witness have a copy of the affidavit.

The English translation is: In this way I was able to obtain their advice and their recommendations during the conduct of military operations.

Now, translate that into German.

Now, that is a complete sentence.

BY DR. LATERNSER:

Q Witness, after having read this complete sentence, I should like to ask you whether the work "advise" corresponds exactly to what you understand by it?

H1087 - 0030

A It means what I have said previously. The commanders gave their opinion and made recommendations on what was to be done. When this declaration was drafted I did not correct every word.

Q So that when you say "advice and recommendations" you mean that the commanders gave their opinion as to the way in which the orders received were to be carried out?

A The second paragraph of the affidavit states the following: After the operational and deployment orders had been given to the two commanders of the army groups and the five commanders of the armies, conferences took place with them about details in order to hear their desires and recommendations.

In the same way the usual conversations and lectures took place.

Q Hitler made speeches before the commanders before the decisive campaigns. It seems to be proven that the commanders of the army groups had no possibility to make any objections or give any advice.

COMMISSIONER: Dr. Laternser, are we having a speech from you on the subject, or are you asking the witness?

DR. LATERNSER: With this introduction I tried to avoid discussions of details, and now I wanted to ask the question.

COMMISSIONER: Well, then, ask the question.

DR. KEMPNER: May we respectfully suggest that the court advise the witness that nothing has been proven as yet.

H1087-0031

COMMISSIONER: I pointed out to Dr. Laternser that we are to have a statement from the witness. Let us hear what the question is first, please.

DR. LATERNSER: The prosecution has drawn conclusion on the hearing of the witness von Rundstedt that the commanders of the army were mere postmen for the carrying out of the orders. Had you not any responsibility in the operational carrying out of your orders?

COMMISSIONER: The first part of that question is disallowed. We will allow only the second part of it. Ask him whether he took part in the carrying out of the order. You are not here to tell us what conclusion the prosecution derives.

DR. LATERNSER: I will put the question differently.

COMMISSIONER: Very well.

BY DR. LATERNSER:

Q Had you, in your operational conduct of the armies, enough competence in your capacity as a military leader?

A The carrying out of the orders that were given to the army and to the army groups required such a hugh knowledge of military matters, such ability and psychological understanding that there were only few people who were actually able to carry out such orders. The carrying out of such orders had at any time to be adapted to new circumstances and to another conduct of the enemy. Hence, the necessity to act within the framework of the orders received.

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Q I now show you a draft which is annexed to your affidavit No. 2. I show it to you and I ask you to tell me whether it corresponds to the real circumstances in the High Command of the Wehrmacht.

DR. KEMPNER: Mr. Commissioner, we have never submitted this chart under the lable as showing the line of command of the Befehlshaber.

COMMISSIONER: According to the witness it is supposed to show the composition group.

DR. KEMPNER: Yes, the relation of one of the other.

COPY

H1087-0033

Q. I now show you a graph which is joined to your affidavit No. 21 which I showed to you and I would ask you to tell me whether it corresponds to the real circumstances in the high command of the Wehrmacht?

DR. KEMPNER: Mr. Commissioner, we have never submitted this chart under the labor that it shows the High Command.

COLONEL NEAVE: According to the witnesses it just shows the composition of the room, isn't that right?

DR. KEMPNER: That is right.

COLONEL NEAVE: Then we will translate it and the relationship of the members to each other. Dr. Laternser, have you any comment to make on this?

DR. LATERNSER: I think that the question which I put should be admitted. I asked the witness to tell us on the ground of this chart whether this chart corresponds to the actual relationship of the members of these groups to each other?

COLONEL NEAVE: He may answer that.

WITNESS:

A. On the occasion of the conversations which took place at that time attention had been drawn to the fact that this chart did not exactly correspond to the actual circumstances. It was replied to this objection that this is not so important in this respect. If it is really the intention and I don't know whether it is, to establish the exact circumstances by this chart, names such as Keitl, Jodl and Warlimont do not belong to this chart. The connecting lines between the several services do not represent the channels through which orders were given. The orders were given by Hitler, in his capacity as

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Supreme Commander of the Wehrmacht, to the three parts of the Wehrmacht, namely, the marine, the navy and the air force.

BY DR. LATERNSER:

Q And in this channel the Chiefs of the General Staff were not included?

A The Chiefs of the General Staff were only the operating staff of the whole parts, of the whole Wehrmacht, and they had no competence to issue orders on their own initiative.

Q So this chart only states the several services and their relationship to each other, but the channels through which orders were given were other than stated in this chart?

A Yes.

Q In this affidavit No. 2 you stated the following and I quote:

"In practice, supervision within this field was exercised by a relatively small group of high ranking officers. These officers exercised such supervision in their official capacity and by virtue of their training, their positions and their mutual contacts."

Q What do you mean by the words "mutual contact?" Were there any special contacts between the members of this group that then existed and other armies?

COLONEL NEAVE: What do you mean by "other armies?"

BY DR. LATERNSER:

Q May I repeat the question because there seems to be a misunderstanding on behalf of the witness?

COLONEL NEAVE: Yes.

H1087-0035

Q I am going to repeat my question. I asked you what you understood by the words "mutual contact", were there any special contacts between the high ranking officers?

A When I signed this document I did not think that every word would be weighed here and examined. When I signed this document I only thought that it would be advisable that officers who fight together should know each other, so that it is easier than when they don't know each other at all. There were no special contacts.

Q Now I come to the final point of this affidavit No. 2. You used several times the word "gruppe" and the Prosecution interprets the word "gruppe" as though it were meant to represent a real organization, a special organization within the High Command. Was there ever such a group within the German Wehrmacht?

A In the German language the word "gruppe" is used in the same meaning as the other one is used. I can speak of a group of people who are standing together, but who have no mutual contacts. There was never any special group in the German Wehrmacht, neither within the army, nor within the Wehrmacht itself. The army was only divided into regiments, divisions and so on, as was usual in the case of war. There was practicallyno contact between the several parts of the Wehrmacht. I can only tell you one example. I never had any conversation together with the Supreme Commander of the Air Forces or of the Navy, and I think that the number of the conversations I had with one of these commanders hardly passes five.

Q So, when you use the word "Group" you mean just a certain number of military leaders and not a specific circle of persons which had been formed for a special purpose.

A I mean a certain number and not a specific group.

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RE-DIRECT EXAMINATION

BY DR. KEMPNER:

Q I represent the American Prosecution and I should like to discuss with you a few points. You have had a very great military experience. When did you start your military career?

A 1900

Q That is to say forty-one years ago?

A Forty-six years ago now.

Q You have had forty-one years of practical experience in the German army. You were born in Berlin?

A Yes.

Q You had in your affidavit No. 2 and I quote:

"The composition of those groups and the relationship of its members to each other were as shown in the attached chart and the duties of those who filled the provisions shown in the chart lay the actual direction of the armed forces."

Can you answer that?

A This chart represents the high ranks of the armed forces with the exception that the Chiefs of the General Staff do not belong to this chart.

Q Because they had no competence to give orders?

A Because they were the operating staff. In this chart it should have been mentioned for these people were the operating staff and we have discussed that.

Q So this word is missing?

A Yes.

COLONEL NEAVE: He wants to say something. Do you want him to continue?

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DR. KEMPNER: Yes.

WITNESS:

A The higher ranks were the Supreme Commanders of the armed forces, then Commander in Chief of the Army, Commander in Chief of the Navy and Commander in Chief of the Air Force. Their subordinates were the chiefs of the corresponding departments of the army, navy and air forces who had different names. So if they were included as the operational staff the other groups had to be included too.

Q Now I should like to discuss the following with you from the scientific point of view. In such an army, that is to say, in every army of the world one group of persons gives the orders out and the other group of persons prepares those orders?

A That is correct.

Q And these gentlemen such as Keitl, Jodl and Warlimont were those who prepared the orders?

A I do not know the exact proceeding in the high command of the Wehrmacht, but I suppose that they prepared the orders which they received from their Supreme Commander.

Q I do not want to enter into the details. I just want to distinguish the two groups, and I ask you, as an expert who has had forty-one years experience in the Prussian army and who is familiar with the subject. Now I shall clarify this point. If I extract from the channel the direction in which orders were given, does this chart show the relations between the important people, those who were working on the measures, is this chart correct in that respect?

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A I have not understood the sense of your question.

Q I will repeat it. Let us now leave out the line through which the orders were given, is this chart correct in so far as it shows the mutual contacts of the persons or the operating groups?

A As far as the army is concerned, yes.

Q Now something else: Now here we have Hitler and Keitl, one below the other. Shouldn't they be within one frame?

A Yes.

Q One issued the orders and the other prepared the orders?

A Yes.

Q Was Hitler familiar with the technicalities from a military point of view?

A Unfortunately, Hitler did care for those things and I had a terrible struggle in order to keep him out of it. If you had lived through it, how ever a single armored car was assigned, then you would know that the Supreme Commander of the armed forces, namely, Adolph Hitler, did care for every single detail.

Q He did care for these things but he didn't know anything about important matters?

A Yes and No.

COLONEL NEAVE: Is this really a question arising out of cross examination? I think the re-examination has to deal with the nature of the chart but as to Hitler's conduct and capacities, I think should be reserved for the Tribunal under the rules.

DR. KEMPNER: It is just a preparation for the questions on the general staff, the next question.

COLONEL NEAVE: All right.

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WITNESS:

A I don't know whether you have ever made the acquaintance of Hitler, but we who used to know him must know that he was a man of extraordinary mental ability.

Q I don't want to enter into a discussion about Hitler but the actual work had to be done by the gentlemen of the army, the experts, is that right?

A As regards the preparation of the orders, I had the whole responsibility and I have never refused that responsibility and I will never refuse it.

Q Now something else. You made your career in the General Staff?

A Yes.

Q Is it correct that all of the Commanders who occupied the leading posts had made their careers in the General Staff, is that correct?

DR. LATERNSER: I must object to that way of putting questions to the witness. I myself have confined myself during the cross examination to the most essential things and the Prosecutor now is concerned with re-examination, that is to say, he should only ask questions that arise from the cross examination.

DR. KEMPNER: Mr. Commissioner, this is a very important question because I am just in the top groups and I have certain reasons for asking this question.

COLONEL NEAVE: If that is the object of the re-examination you may continue.

BY DR. KEMPNER:

Q You have already said that the former members of the General Staff occupied most of the key positions?

A I beg your pardon. I have said that a major part of the officers who occupied high ranking positions have made a temporary career in the General Staff.

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COLONEL NEAVE: Dr. Kempner, the cross examination related to the definition of the word "group" as to whether the General Staff constituted a group. You are not going into a detailed questioning of the actual composition of the general staff, are you? That is the point of Dr. Laternser's objection.

DR. KEMPNER: In no way.

COLONEL NEAVE: Dr. Laternser, I think this line of re-examination in that case should be allowed.

DR. LATERNSER: I am of the opinion that these questions should have been put before the cross examination. In this case the questions are put that should be put later on.

COLONEL NEAVE: I don't know what you are talking about. This is a case where an affidavit has been submitted, you have cross examined the witness and now the Prosecution is replying. I entirely agree that the re-examination should be limited to matters raised in cross examination, and Dr. Kampner, of course, means he is re-examining on the question of whether your organization, the general staff, was in fact a group and that is a subject on which you cross examined the witness. Go on.

BY DR. KEMPNER:

Q Were you a member of the (Interpreter did not furnish the English word)

A Yes

Q Are there special courts of honor on the (Same word) in order to defend the honor of these gentlemen?

A As well as any other organizations as you will probably know by your own experience.

COLONEL NEAVE: I am not very sure that this line of cross examination is fair to the defense. It should definitely be limited to that subject, the word "Group."

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DR. KEMPNER: We tried to get from the witness certain points showing competence and finally establish something like a group, a common code of honor and other things.

COLONEL NEAVE: All right.

DR. LATERNSER: I must point out the following: These questions should have been put before cross examination.

COLONEL NEAVE: I don't know what you are talking about. This is a case where an affidavit has been submitted. That is enough, Dr. Laternser, and you can leave it to me with regard to the fairness of this re-examination.

BY DR. KEMPNER:

Q I must put here a final question. You have submitted affidavits No. 2 and 4 and now a last and final question I must ask you. If you understand German as it is to be understood, are these statements correct in their meaning?

A I have already given an explanation as I have answered the question, is that correct or not? If I may say a few words on this matter, the affidavit is a result of a conversation that lasted several days and which took place between two American staff officers and myself. I was then shown in German a text of this declaration and I have modified a part of it, and as I have already said I did not know why and for what purpose, so I have not examined every single word as to whether it could be interpreted in this way or that way. Therefore, I gave the explanation as I have understood these details.

Q So what you have said here with your explanation you want to clarify the matter, is that correct?

A Yes.

DR. KEMPNER: Thank you.

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COLONEL NEAVE: Before we recess there seems to be some misunderstanding in Dr. Laternser's mind regarding this re-examination. Why is it you think that the questions asked by Dr. Kempner should have been asked before cross examination. This is a case where a witness swore to an affidavit which was submitted by the Prosecution and the evidence was taken that way.

DR. LATERNSER: Mr. President, We distinguished between the direct hearing, the cross examination and the re-examination. The Prosecution has in the first place to put those questions to the witness which were meant to prove what they suggested.

COLONEL NEAVE: Wait a minute. I don't think we need go into a long discussion about this. The point is that this is a lawful procedure which has been established by a commission by the Tribunal and the procedure followed today seems to me to be quite satisfactory. The only point that has been discussed today and which we have agreed on is that re-examination should be confined to matters raised in cross examination, and that the cross examination itself should be confined to the subject matter of the affidavit submitted. Is there anything more to discuss?

DR. LATERNSER: Yes, there is a matter to be discussed. If the Prosecution starts re-examining on other matters, I am excluded from putting those questions.

COLONEL NEAVE: That is exactly what I have been saying and explained to you and why I asked Dr. Kempner to confine his re-examination in the way I did. I don't think you have suffered any unfairness as a result of this hearing at all.

The witness may go now and we will recess until four o'clock.

(A short recess is taken)